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9 *and the Nevada Department of Corrections*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

13 JOHN MORSE III, et al.,
14
15 Plaintiffs,
16 vs.
17 GRANT LEE, *et al.*,
18 Defendants.

Case No. 3:17-cv-00209-LRH-VPC

DEFENDANTS'
POST-SETTLEMENT
STATUS REPORT

19 Defendants, Dr. Grant Lee, Carla Murakami, and the Nevada Department of Corrections, by and
20 through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, Clark G. Leslie, Chief
21 Deputy Attorney General and Wade Beavers, Deputy Attorney General, present and file this Post-
22 Settlement Conference Status Report. This Report is based on the following Report, attached Exhibit
23 and the papers and pleadings on file herein.

24 **I. INTRODUCTION AND BACKGROUND**

25 This matter came before the Court on June 28, 2017 for an all-day settlement conference.
26 Present were plaintiffs John Morse III, Debbie Morse, and Stephanie Morse, as well as family members
27 Nicole Goodin and Carla Manson. Attending for the defendants were NDOC Warden Harold Wickham,
28 State Tort Claims Manager Nancy Katafias and paralegal Robin Carlson.

John Morse IV (Morse) tragically ended his life by suicide on February 13, 2016 while incarcerated by the NDOC at its Northern Nevada Correctional Center prison facility. The amended pleadings alleged various constitutional violations occurred including a claim of ‘deliberate indifference’ under the Eighth Amendment. Plaintiffs claimed that the NDOC and others failed to properly address the deceased’s mental and psychological problems. Despite overwhelming evidence of unconstitutional conduct by other medical and penal institutions, the Plaintiffs elected to name only the NDOC and its employees as defendants. All named defendants stringently challenged the charging allegations in the pleadings and had considerable evidence to support their defenses to each and all of the claims in the amended pleadings.

Plaintiffs originally demanded \$800,000.00 to settle; defendants countered with \$25,000.00. Both the demand and offer were rejected by the parties thus leading to the settlement conference of June 28, 2017.

II. REPORT

A. Terms of Settlement

The parties successfully achieved a settlement after a full day of negotiations. The parties agreed to the following:

- Payment of \$92,500.00 to plaintiffs and their counsel for them to divide the proceeds as they determine;
- Payment of \$500.00 to plaintiffs to purchase a plaque or other memorial to honor the memory of John Morse IV;
- The establishment of a separate curriculum for the Police Officer Standards Training (POST) that all NDOC new employees undergo; this POST instruction will be provided by the Attorney General’s Office (AGO).¹ More specifically, this new module of training at POST instruction will include the topic of suicide sensitivity with emphasis on veterans who are also inmates. Attached, as Exhibit A is the outline that comprises the new curriculum that will be presented to new Correctional Officers at the AGO-POST instructional classes.

¹ The NDOC also provides “institutional” POST instruction to its new Correctional Officers. The POST training provided by the AGO offers such topics as ‘testifying in court,’ the basics of the Constitution, what to do if sued, etc. The institutional POST training is more work related for topics such as securing an inmate, procedures for cell extractions and so forth.

- Defendants' counsel have learned that some or all of what is contained in Exhibit A may also be incorporated into the NDOC's institutional training programs as well.

B. Research and Interviews Conducted

The defendants' counsel began in earnest following the conclusion of the settlement conference to generate the suicide sensitivity curriculum for new NDOC Correctional Officers. After reviewing the pertinent literature on combat veterans and suicide (much of this research had been completed prior to the settlement conference as part of defendants' counsel's preparation for trial) counsel then had a meeting on July 20, 2017 with individuals who have specific training in the area of suicide and related psychological difficulties. These experts manage, or have received training from, the Office of Suicide Prevention of the Nevada Department of Health and Human Services. These individuals were: Janett Massolo (Suicide Prevention Training and Outreach Facilitator for NDHHS); Misty Vaughn Allen, State Suicide Prevention Coordinator; Carla Murakami, MSW; and NDOC Associate Warden Lisa Walsh, supervisor of the veteran's mental health unit at Warm Springs Correctional Center.

These individuals have a diverse and expansive background in the field of suicide and its prevention. At the July 20th meeting a free and open discourse transpired with each of these experts providing advice and observations they have acquired on the subject of suicide prevention both educationally and clinically. The advice these individuals provided constitutes a major portion of the new curriculum.

The final curriculum includes practical advice on what to look for, how to acquire information related to an inmate considering suicide and what to do if a correctional officer suspects that an inmate is suicidal.

Exhibit A also addresses the difficult impediment that arises when suicide is the issue – stigmatization. The introduction to this subject of suicide begins with comments regarding suicide and the social stigma attached to this topic. The possible barrier to acquiring an awareness of suicidal warning signs because of a belief that people who commit suicide are weak or morally suspect is addressed at the beginning of the training. The scope of the problem and an example of a famous person in history who had rampant suicide in multiple generations of his family are presented to quantify the importance of this training and sensitivity to the subject matter.

1 Nevada's Attorney General, Adam Paul Laxalt, has made veterans' rights a key interest in his
2 approach and governance of his Office. He has various outreach programs to veterans, including the
3 Office of Military Legal Assistant, a program that has connected veterans with Deputy Attorneys
4 General and other community attorneys. Hundreds of veterans statewide and their families have
5 benefitted from free legal advice in the areas of family law, probate, estate planning and other legal
6 concerns. Mr. Laxalt has also worked to ensure easy access for veterans who request general assistance
7 from the Office. The Attorney General has expressed his personal interest in this case and the POST
8 training curriculum. Mr. Laxalt has asked the undersigned to personally provide him with the final copy
9 of the training materials. .

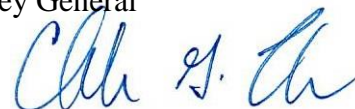
10 **III. CONCLUSION**

11 Defendants are prepared to issue checks for the payment of the settlement upon the stipulation
12 and final dismissal with prejudice of all claims that the plaintiffs raise in the pleadings. In furtherance
13 of the terms and conditions of the settlement, defendants have also prepared the new POST curriculum
14 as agreed. When the lawsuit is resolved, Exhibit A will be provided to our offices in Las Vegas and
15 Carson City so that it may be incorporated into the POST instructional classes that will be conducted by
16 the Office of the Attorney General.

17 DATED this 28th day of July, 2017.

18 ADAM PAUL LAXALT
19 Attorney General

20 By:



21 CLARK G. LESLIE
22 Chief Deputy Attorney General
23 Bureau of Litigation
24 Public Safety Division

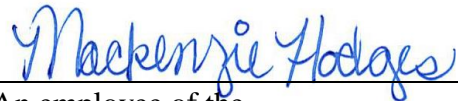
25 *Attorneys for Defendants*
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 28th day of July, 2017, I caused a copy of the foregoing, **DEFENDANTS' POST-SETTLEMENT STATUS REPORT**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

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